

**Remarks**

This application has been carefully reviewed in light of the Office Action dated December 4, 2008. Claims 14 and 17 to 29 remain in the application, of which claims 14, 21, 25 and 29 are the independent claims. Reconsideration and further examination are respectfully requested.

***Claim Rejections – 35 USC § 103***

Claims 14 and 17-29 were rejected under 35 USC § 103(a) as being unpatentable over U.S. Patent No. 5,621,723 (“Walton”) further in view of U.S. Patent No. 4,222,115 (“Cooper”) further in view of U.S. Patent No. 5,930,706 (“Raith”). Reconsideration and withdrawal of these rejections are respectfully requested.

Independent claim 14 is directed to a method in a base station comprising receiving from a single remote station a reverse link signal that comprises a plurality of subchannel signals, independently adjusting transmit powers of more than one of said plurality of subchannel signals to different levels by generating power control messages for adjusting the transmit powers of more than one of said plurality of subchannel signals, and comparing a frame error rate of each of said subchannel signals with a frame error rate threshold for said generating said power control messages.

None of the applied references, taken either alone or in combination, is seen to disclose or suggest at least the features of receiving from a single remote station a reverse link signal that comprises a plurality of subchannels and independently adjusting transmit powers of more than one of the plurality of subchannels signals to different levels by generating power control messages for adjusting the transmit powers of more than one of said plurality of subchannel signals.

Walton is seen to be generally directed to power control on the reverse link of a CDMA network. As read by Applicants, Walton teaches eight reverse packet data channels associated with different data rates that are supported in a packet data network. Walton, col. 3, ll. 31-40. Walton also teaches that a mobile unit determines a reverse link data rate based on its power class and estimated power margin, and selects the reverse packet data channel corresponding to the maximum data rate which the link can support. Walton, col. 3, ll. 22-30. Thus, the mobile unit of Walton determines a data rate, selects one of the reverse link data channels for transmission to the base station based on the data rate determination, and transmits to the base station on the selected reverse link data channel. Walton does not teach or suggest the selected reverse link data channel transmitted by the mobile unit comprising a plurality of subchannel signals. As a result, Walton does not teach or suggest the feature of receiving from a single remote station a reverse link signal that comprises a plurality of subchannel signals. Since Walton fails to teach or suggest receiving the reverse link signal of claim 14, Walton also does not teach or suggest independently adjusting transmit powers of more than one of the plurality of subchannels signals of the reverse link signal to different levels.

Neither Cooper nor Raith are seen to remedy the foregoing deficiencies of Walton. Cooper was cited by the Office Action for its alleged disclosure of "more than one subchannel." As read by the Applicants, Cooper does not teach or suggest receiving from a single remote station a reverse link signal that comprises a plurality of subchannel signals, and therefore fails to remedy the same deficiency in Walton. The passage of Cooper (col. 4, ll. 16-29) cited by the Office Action discloses dividing the available band of frequencies in a cellular mobile communication system into two portions: one portion for carrying downstream (base-station-to-mobile) messages and the other portion for carrying upstream (mobile-to-base station) messages.

Cooper, col. 4, ll. 16-23. Thus, the cited passage discloses that a portion of the available band of frequencies in the cellular mobile communication system of Copper is allocated for downstream messages from the mobile units. However, the fact that a portion of the available band of frequencies in the cellular mobile communication system of Copper is allocated for downstream messages from the mobile units, does not teach or suggest a reverse link signal from a single remote station comprises a plurality of subchannel signals. Since Cooper fails to teach or suggests receiving the reverse link signal from a single remote station comprising a plurality of subchannels, Cooper also does not teach or suggest independently adjusting transmit powers of more than one of the plurality of subchannels signals of the reverse link signal to different levels.

Further, the Office Action does not particular point out what elements in the cited passage of Cooper (col. 4, ll. 16-29) allegedly disclose reverse link and the two or more channels or subchannels of the alleged reverse link. The final Office Action merely cites col. 4, ll. 16-29 of Copper to support the contention that Copper discloses reverse link comprising two channels or subchannels. As discussed above, the cited passage of Copper discloses that a portion of the available band of frequencies for the cellular mobile communication system of Copper is allocated for downstream messages from the mobile units. If the Examiner maintains that Copper discloses "reverse link comprising two channels or subchannels," then Applicants respectfully request that the Examiner particularly point out what element in the cited passage of Copper allegedly discloses reverse link and what elements allegedly disclose the two or more channels or subchannels of the alleged reverse link so that Applicants can be afforded the opportunity to respond to the alleged reverse link comprising two or more channels or subchannels.

Raith, which was cited by the Office Action for its alleged disclosure of the power control message being based on a frame error rate, fails to remedy the above deficiencies of Walton and Cooper. More particularly, Raith fails to disclose or suggest the features of receiving from a single remote station a reverse link signal that comprises a plurality of subchannel signals and independently adjusting transmit powers of more than one of the plurality of subchannels signals to different levels by generating power control messages for adjusting the transmit powers of more than one of said plurality of subchannel signals.

For at least the reasons above, Applicants believe that claim 1 is allowable over the applied references and respectfully request that the rejection of claim 1 be withdrawn.

Independent claims 21, 25 and 29 includes features similar to those of claim 1, and are believed to also be allowable over the applied references for at least the reasons given for claim 1.

The other claims currently under consideration in the application are dependent from the independent claims discussed above and therefore are believed to be allowable over the applied references for at least the same reasons. Because each dependent claims is deemed to define an addition aspect of the invention, however, the individual consideration of each on its own merits is respectfully requested.

Application No. 09/804,621  
Response dated February 3, 2009  
Reply to final Office Action of December 4, 2008

**CONCLUSION**

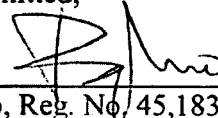
In light of the amendments and remarks contained herein, Applicants submit that the application is in condition for allowance, for which early action is requested. Please charge any fees or overpayments that may be due with this response to Deposit Account No. 17-0026.

Dated: \_\_\_\_\_

2/3/09

Respectfully submitted,

By: \_\_\_\_\_



Dang M. Vo, Reg. No. 45,183  
(858) 845-2116

QUALCOMM Incorporated  
Attn: Patent Department  
5775 Morehouse Drive  
San Diego, California 92121-1714  
Telephone: (858) 658-5787  
Facsimile: (858) 658-2502